

SENATE BILL 3428
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 35, relative to private protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding the following new section thereto:

Section 62-35-142. Whenever the commissioner determines that a company, corporation, association, person, or entity of whatever nature, is violating or is about to violate the provisions of § 62-35-104 or § 62-35-115, the commissioner may issue a notice of hearing and charges requiring the company, corporation, association, person, or entity of whatever nature to show cause why an order should not issue requiring the person or entity to cease and desist the unauthorized business of providing private protective services in the state. Any hearing conducted under this section shall be conducted under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding the following new section thereto:

Section 62-35-143. If the commissioner finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in an order, a summary cease and desist order may be issued pending proceedings for other actions under this part. These proceedings shall be promptly instituted and determined. All proceedings conducted under this section shall be conducted under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding the following new section thereto:

Section 62-35-144. It is a Class B misdemeanor to violate a cease and desist order lawfully entered by the commissioner. Each day of operation in violation of the commissioner's cease and desist order, calculated from the date of its service upon the company, corporation, association, person, or entity of whatever nature, is a separate offense.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.